

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMY GRAY,

Plaintiff,

v.

CITY OF HENDERSON, et al.,

Defendants.

2:10-cv-356-RCJ-RJJ

ORDER

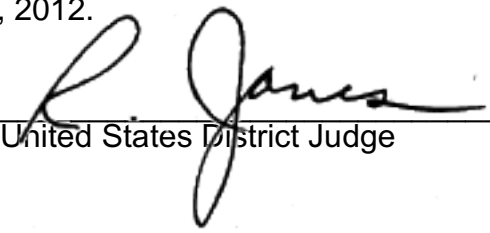
On November 28, 2011, this Court dismissed case number 2:10-cv-356-RCJ-RJJ because Plaintiff Amy Gray failed to properly serve the defendants. (Order (#63)).

Plaintiff filed a Notice of Appeal (#65) on December 13, 2011.

On December 16, 2011, the United States Court of Appeals for the Ninth Circuit referred this matter to this Court for the limited purpose of determining whether Plaintiff's in forma pauperis status should continue on appeal.

An appeal may not be taken in forma pauperis if the trial court certifies that the appeal is frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where the district court finds the appeal to be frivolous). This Court does not find this appeal to be frivolous or to have been filed in bad faith, and accordingly elects to allow Plaintiff to continue on appeal in forma pauperis.

DATED: This 10th day of January, 2012.


United States District Judge